

In re Appln. of Dong-min Kim
Application No. 10/694,491
Response to Final Office Action of July 23, 2008

Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 11. This sheet, which includes FIG. 11, replaces the original sheet including FIG. 11. In FIG. 11, step 404, the word “SELETED” was misspelled and has been corrected to read “SELECTED”.

Attachments: One (1) Replacement Sheet

REMARKS

At the time of the Office Action, which was made Final, claims 41-60 were pending. In the Office Action:

- claims 41, 45-49, 54-55, and 59-60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishigaki (hereinafter Nishigaki), Japanese Patent Application JP 11-196297, in view of Sciammarella, et al. (hereinafter Sciammarella), U.S. Patent No. 7,051,291 and further in view of Frank, et al. (hereinafter Frank), U.S. Patent No. 6,384,840;
- claims 42-43, 50-51, and 56-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki and Sciammarella, in view of Frank, and further in view of Miyao (hereinafter Miyao), U.S. Patent No. 6,466,237;
- claims 44, 52-53 and 58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki and Sciammarella, in view of Frank and further in view of Horvitz, et al. (hereinafter Horvitz), U.S. Patent No. 5,880,733; and
- claims 48 and 54 were rejected under 35 U.S.C. 112, as failing to comply with the written description requirement.

Applicant has cancelled claims 48 and 54, and has presented arguments as to why the present claims are not obvious over the combined references cited by the Examiner. Reconsideration of the claims in light of these arguments is respectfully requested.

Applicant has further amended drawing FIG. 11 by corrected spelling of the word “SELETED” in step 404 to read “SELECTED”, as requested by the Examiner.

35 U.S.C. §112, First Paragraph Lack of Enablement for Claims 48 and 54

- 1. Applicant has cancelled claims 48 and 54 that were rejected for lack of enablement.*

In the Office Action, on pp. 3–4, the Examiner rejected claims 48 and 54 for containing subject matter that was not enabled by the Specification. Applicant has cancelled these claims without prejudice or disclaimer and requests that the Examiner withdraw the 35 U.S.C. §112 rejection from the application.

35 U.S.C. §103(a) Obviousness of Claims 41, 45-49, 54-55, and 59-60 by Nishigaki in View of Sciammarella and Frank

2. *The combination of Nishigaki, Schiammarella, and Frank fail to teach or suggest, alone or in combination, the element of a user settable visually impaired setting that permits magnification, as required by independent claims 41, 49, and 55.*

In the Office Action, on pp. 5–8, the Examiner rejected independent claim 41 as being obvious over the combination of Nishigaki, Sciammarella, and Frank. The Examiner provided the Nishigaki reference as reading on the present claim 41 as follows:

Regarding claim 41, Nishigaki discloses a method for altering a digital camera display (Fig. 3: DSP) to facilitate viewability, the method comprising the steps of:

displaying indicia on a display screen of the digital camera (See figs. 1 and 2), the indicia including a first indicium and a second indicium (See a plurality of indicium as shown in figs. 1 and 2);

detecting selection of the first indicium by a user (See menu item selected as shown in fig. 1 a; see English Translation, page 4, ¶0012-0013; this teaches detecting selection of the first indicium as claimed); magnifying the first indicium (See magnified selected menu item as shown in fig. 1 a; see English Translation, page 4, ¶0012-0013; page 5, ¶0018 - page 6, ¶0019; page 8, ¶0026-0027).

The Examiner acknowledged that Nishigaki does not explicitly disclose that if selection of the first indicium by a user is detected, determining whether an impaired vision mode is set; if an impaired vision mode is determined to be set, performing steps of: superimposing the first indicium on the second indicium; magnifying the first indicium to conceal an entirety of the second indicium; and reducing an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium.

However, the Examiner then applied Sciammarella as partially fulfilling the deficiency in the teaching of Nishigaki, stating:

However, Sciammarella et al. discloses a method for altering an electronic device display (See fig. 19), the method comprising the steps of: (a) displaying indicia on a display screen of the electronic device, the indicia including a plurality of indiciums (such as digital image files, digital audio files, text files, executable programs, program files, and movie files); (b)

determining whether a user has selected a first indicium (See indicium representing image 173.JPG selected as shown in fig. 19); (c) determining whether an impaired vision mode is set (The examiner is reading the arrangement shown in fig. 19 as the impaired vision mode from the different types of display arrangements as shown in figs. 1-4, 15 and 17-19 that can be set by the user; Col. 3, line 15-col. 4, line 29); (d) if the impaired vision mode is set, magnifying the selected menu item (See indicium representing the image 173.JPG selected magnified in the center of the display area) (Col. 3, line 15-col. 4, line 29; col. 4, lines 30-50; col. 9, line 51 - col. 10, line 49).

Sciammarella et al. discloses further discloses that the data is displayed as a sequence, said sequence arrange such that a data object of interest is magnified so that the user can get a closer look, said data object being magnified to occupy a substantially entirety of the display area while the previously selected indicium returns to the smaller size characteristic of the unselected indiciums in the layout (See fig. 9; this teaches magnifying the first indicium to conceal an entirety of the second indicium since there will be other indiciums concealed by the selected indicium as shown in fig. 19) (Col. 3, lines 15-61; col. 4, lines 30-50; col. 9, line 51 - col. 10, line 49).

In concluding that the combination of Nishigaki and Sciammarella teach all but the reducing of an opacity of the first indicium so that the entirety of the second indicium is viewable through the first indicium (for which the Examiner later applied the Frank reference), the Examiner stated:

Therefore, taking the combined teaching of Nishigaki in view of Sciammarella et al. as a whole, one of an ordinary skill in the art at the time the invention was made would note the advantages of magnifying the data objects in the Sciammarella et al. so that a user can get a closer look of a particular data object and would find obvious to use the teaching of Sciammarella et al. to the modify Nishigaki, to determine whether an impaired vision mode is set if selection of the first indicium by a user is detected; and if an impaired vision mode is determined to be set, performing the steps of: superimposing the first indicium on the second indicium; and magnifying the first indicium to conceal an entirety of the second indicium. The motivation to do so would have been to further improve the method for altering a digital camera display by allowing the user to get a closer look of a selected item of interest as suggested by Sciammarella et al. (Col. 9, line 51 - col. 10, line 49).

Applicant respectfully disagrees that this combination teaches the elements related to the setting of an impaired vision mode. The present invention recognizes the problem that users with impaired vision might have in operating a camera, particularly when the typical small screens are utilized to provide functionality selection.

The present invention provides a solution in which, when the camera is in the vision impaired mode via a setting, the indicia representing functionality selections are magnified so that the vision impaired user can more readily operate the device, whereas a normal functionality is provided when the camera setting is not in the vision impaired mode.

As noted in the MPEP §2143.03, all claim limitations must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382 (CCPA 1970). In the present invention, the combination of Nishigaki, Sciammarella, and Frank fail to teach or suggest or even recognize the problem in dealing with the use of a camera by both normal and vision impaired individuals, and the solution to the problem found in the present invention.

With regard to a finding of a vision impaired mode in the prior art, the Examiner stated, referencing Sciammarella:

(c) determining whether an impaired vision mode is set (The examiner is reading the arrangement shown in fig. 19 as the impaired vision mode from the different types of display arrangements as shown in figs. 1-4, 15 and 17-19 that can be set by the user; Col. 3, line 15-col. 4, line 29); (d) if the impaired vision mode is set, magnifying the selected menu item (See indicium representing the image 173.JPG selected magnified in the center of the display area) (Col. 3, line 15-col. 4, line 29; col. 4, lines 30-50; col. 9, line 51 - col. 10, line 49).

First, there is nothing in this disclosure that suggests any form of a conditional setting relating to the enlargement option. The arrangements for images that can be set by the user have nothing to do with the display of an enlarged image, but rather deal with the efficient presentation of a large number of data objects. This is consistent with Sciammarella's disclosure in the background section at 1:37-41:

However, conventional techniques, such as windows, folders, and lists, have a problem in that they are insufficient for presenting such large numbers of data objects in a manner that a user can easily and quickly understand.

The various presentations disclosed are: 1) line layout (Fig. 1); 2) circle layout (Fig. 2); 3) grid layout (Fig. 3); and 4) helix layout (Fig. 4). Sciammarella is actually silent or at least very nebulous as to how the particular layout is determined and so it is not clear that the different presentations can be set by the user (contrary to the Examiner's assertion). However, even if *arguendo* the presentation format is selected by the user, this has nothing to do with the magnification option. In Sciammarella, the magnification takes place regardless of any selection of the presentation layout format. The magnification always takes place and would thus not serve to accommodate in any particular way both a view with and a viewer without a visual impairment.

Figure 19 of Sciammarella does show a magnified look at an image thumbnail, but this particular display in no way serves to delineate between those who are vision impaired and those who are not—the ability to have a camera that is useful to operate both by one with no visual impairment as well as one with visual impairment is a very important aspect of the present invention that the Examiner has presumed into the combination.

Furthermore, Sciammarella deals with a full-screen monitor on a computer, and the enlargement relates to a content element (a picture) that is to be operated on, not a control element that is used to control the device. On a computer, there are numerous other mechanisms that can be, and are actually preferably, used by a visually impaired individual to control the device itself (e.g., the use of high contrast color schemes, etc.). The present invention recognizes a distinct solution that is well-suited for use in a camera device for the visually impaired that is not recognized in the combination of references.

The Examiner states that as a motivation to combine Nishigaki and Sciammarella would be to further improve the method for altering a digital camera display by allowing the user to get a closer look of a selected item of interest as suggested by Sciammarella, but neither of the references teach or suggest addressing the issue of visual impairment, nor do they even suggest a user-configurable parameter that is used to determine whether such zooming action is to take place, making the camera operation useful to both the visually impaired and non-visually impaired individuals.

Sciammarella, alone or in combination with Nishigaki and Frank, fails not only to disclose a user-based selection of an impaired vision mode, but even fails to disclose any form of a user-selected criteria that dictates whether an enlarged image will be shown at all. In the

present case, the Examiner is clearly using impermissible hindsight by turning to the Applicant's own teaching in the specification regarding the image impaired mode being used in the camera to conclude that it would be obvious to combine these references and arrive at the present invention, despite any lack of teaching about a vision impaired mode and despite any lack of teaching about a user-selected option for determining whether or not to magnify the image or not.

Dependent claims 45–47 and 59–60 are nonobvious in view of the above arguments and by virtue of their dependence from independent claims 41 and 55.

3. *The combination of Nishigaki, Sciammarella, and Frank fail to teach or suggest, alone or in combination, the element in claims 45 and 59 where the enlargement of the first indicium occupies substantially an entire area of the display screen.*

In the Office Action, on p. 6 (and by reference on pp. 8 and 10), the Examiner indicated that Sciammarella, at Figure 9 (19?) discloses the data object being magnified to occupy a substantially entirety of the display area. This assertion is in error. Figure 19 illustrates an where, as best as can be measured by applicant, the dimensions of the enlarged image are $2\frac{1}{2} \times 3\frac{7}{16}$. The dimensions of the entire screen are $5\frac{1}{8} \times 4$. Although the actual dimensions in the drawings are not relevant to a real-world implementation, the ratio of the these respective areas is relevant. Based on the calculated ratios of areas, Applicant determines that Sciammarella discloses an enlarged image comprising 41.9% of the display. One of ordinary skill in the art would not consider something that covers less than half of a display area as reading on occupying “a substantially entirety of the display area”.

This is significant with respect to the application. In Sciammarella, the interest is in enlarging content sufficiently large so as to permit the user to get a closer look at the provided thumbnail. Clearly Sciammarella achieves this goal on a computer-type monitor (as is illustrated in Figure 19) without having the enlarged image occupy a substantially entirety of the display area. In the present invention, recognition is given to the fact that the camera has a limited display area and it is desirable for individuals with impaired vision to provide nearly the entire working display to assist in recognition of the indicia. Nishigaki similarly fails to encompass this feature in that its enlargements take up a substantially smaller proportion of the display.

For these reasons, Applicant respectfully requests that the Examiner withdraw this 35 U.S.C. 103 rejection from the application.

35 U.S.C. §103(a) Obviousness of Claims 42–44, 50–53, and 56–58 over some combination of Nishigaki, Sciammarella, Frank, Miyao, and Horvitz

4. *Applicant relies upon the above arguments with respect to the remaining dependent claims, and asserts that none of the additional references supplants the deficiencies identified above with respect to the combination of Nishigaki, Sciammarella, and Frank.*

In the Office Action, on pp. 10–14, the Examiner combined Nishigaki, Sciammarella, and Frank with Miyao and Horvitz in establishing an obviating combination of references for various dependent claims in the present application. Without addressing the specifics of the additional references on the merits, Applicant relies upon the above arguments and asserts that the disclosures of each of these additional references, alone or in combination, does not serve to solve the deficiencies of the combination of the Nishigaki, Sciammarella, and Frank references. The Examiner has cited these references for purposes related to the specifics of the dependent claims.

For these reasons, the Applicant asserts that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw these 35 U.S.C. §103 rejections from the present application.

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CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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